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OFFICE OF PETITIONS

In re Application of :
Kevin J. Reardon :
Application No. 09/933,602 :
Filed: August 21, 2001 : ON PETITION
Attorney Docket No. :
FIS920010165US1 (14775) :

This is a decision on the petition under 37 CFR 1.137(a), filed April 23, 2004, to revive the above-identified application. The petition is properly treated under 37 CFR 1.181.

The petition is granted.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed September 24, 2001. The Notice set a two (2) month period for reply. No reply having been received, the above-identified application became abandoned November 25, 2001. A Notice of Abandonment was mailed on December 17, 2003.

Applicant's Assertion

Applicant asserts that a timely reply to the Notice, in the form of a Declaration and late filing fee oath or declaration surcharge, were timely filed and received in the Office. In support of this assertion, Applicant provides a copy of the Declaration and copies of two return-receipt postcards acknowledging receipt by this Office of a Declaration, a Response to notice of missing parts, which included an authorization to charge deposit account 09-0458 any fees required, a late filing fee oath or declaration surcharge, and Assignment and a Certificate of Mailing on February 5, 2002.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post

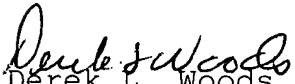
card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

In view of the above, the abandonment and holding of abandonment of the above-identified application are hereby withdrawn. The petition fee, \$110.00, has been applied towards the fee for a three (3) month extension, \$950.00, required to reply to the Notice to File Missing Parts of Nonprovisional Application. The remaining balance, \$840.00, has been charged to deposit account 09-0458 as authorized in the Response to notice of missing parts, filed February 5, 2002.

A copy of the Assignment documents have been forwarded to the Assignment Brance.

The application is being returned to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions